

The Cemetery Case.

Bloomfield cemetery case came up in the Supreme Court on Wednesday, when argument was heard by Justices Dixon, Pitney and Hendrickson on a writ of certiorari. Robert H. McCarter appeared for the opponents of the cemetery, and Halsey M. Barrett and Samuel J. McDonald for the cemetery company. The tenor of the questions put to the judges it appeared that the matter might have to be heard all over again. Justice Dixon, in particular, seemed in a line of interrogatories to indicate that he was of the opinion that the State Board of Health had taken testimony in the matter, and not formed its decision upon a mere formal presentation of arguments and statements not given under oath.

Mr. McCarter reviewed the case from the time of the application made by the cemetery company to the Town Council to the recent decision of the State Board of Health. He contended that the State Board had no jurisdiction to the proceedings, and that the next proceeding to take exception to was an opinion of the State Board by the brother, Attorney-General McCarter. This opinion of the Attorney-General was given in the hearing of the case by the State Board, and in it the board was advised that it should confine itself to sanitary questions alone. The law was said to be to the effect that the matter of enlargement or construction of cemeteries was a matter for proper police regulation of the municipal authorities. In the preliminary investigation, he said, the municipal authorities, in their determination of the matter, were not restricted in their determination to sanitary regulations alone. This being maintained that the State Board of Health, being a court of appeal on either side, it must have a scope of equal breadth.

Mr. McCarter next maintained that the State Board erred, as a matter of law, in not taking proper steps to take or otherwise legally ascertain the facts that were at issue before them. He took up the section of the cemetery act, which restricts the number of cemeteries to three in any municipality, and proceeded to say that "in recognition of the universal desire to have one's dead buried near their survivors, courts will not lightly exhaust such right, or deprive the interested parties of that privilege. A need for the cemetery must appear. Cemeteries are to be restricted and limited. At the best, they are rather necessary evils. Modern thought, in recognition of their necessarily unsanitary character, is daily becoming more tolerant of cremation."

He then pointed out that there was a wide divergence of opinion as to the necessity for the projected cemetery, and a radical difference as to the material facts. As these questions were in dispute it became the duty of the State Board to take sworn testimony, and not rely upon the mere hearsay statements of counsel, and pass upon the sanitary conditions, as advised by the Attorney-General.

Halsey M. Barrett, in his argument in defense of the State Board of Health, maintained that under the present cemetery act, when an application is made to establish a new cemetery in a town having but two cemeteries already established, the only question of jurisdiction for the local authorities in determining the matter must be questions wholly relating to the site of the proposed new cemetery and its adaptability from a sanitary point of view. He maintained that in the consideration of the matter, the State Board had no right to consider commercial reasons, or to ask themselves whether the present applicants hope to make a profit out of the conduct of such cemetery.

It was argued that the health boards are necessarily of special jurisdiction, having to do with matters only of public health in the community and the State. If the object of providing an appeal was simply to have the matter considered independently of sanitary considerations such appellate jurisdiction would have been more likely given to some legal tribunal.

It was pointed out by Mr. Barrett that there was not a single objection to the projected cemetery, from a sanitary view-point, the only reasons urged against it being "local, commercial and sentimental." He maintained that in the consideration of the matter, the State Board had no right to consider commercial reasons, or to ask themselves whether the present applicants hope to make a profit out of the conduct of such cemetery.

Mr. MacDonald argued in response to the contention that the State Board should have ascertained the truth by swearing witnesses to dispose of the undisputed facts. The argument, he declared, because the State Board acts judicially it must resolve itself into a judicial tribunal, swear witnesses, is entirely without foundation. No decision was announced by the court, the case being taken under consideration.

New Franchise Petition

A meeting of the East Orange town council Monday night the new franchise petition for the Essex Street Railroad for a street railway with thirteen tracks was received and referred to a committee. The proposed route was over North Clinton and Streets.

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APPROPRIATIONS VOTED.

NOW POSSIBLE TO APPROXIMATE THE TAX RATE.

Predictions Range Between \$2.90 and \$2.95—Discussion Over the Board of Health Appropriation—Road Repairs Item a Subject of Animated Debate

The Town Council passed the appropriation ordinance on Monday night, and by estimating the probable amount the town will be called on to pay to the county, and the likely increase in tax valuations over the previous year, it is predicted that the tax rate will be somewhere about \$2.93. Some say \$2.90; others say \$2.95, but no matter which is correct a substantial reduction from the high rate of last year will follow in any case.

The appropriations voted by the Council are as follows: Incidentals, \$20,000; police, \$1,000; road repairs, \$5,000; fire, \$1,000; water, \$1,000; fire, \$3,500; bonds and interest, \$10,000; street lighting, \$10,000; schools, \$30,000; total, \$106,500. Several items in the appropriation ordinance were the subject of discussion at Monday night's meeting. Chairman Conlan of the Finance Committee was asked to state what items made up the incidental account. Mr. Conlan enumerated the items as follows: Salaries, elections, Board of Health and contingencies, and the Clerk read a statement showing the estimated disbursements under each item.

Mr. Conlan stated that it was the purpose of the Finance Committee in fixing the amount for incidentals to provide for the payment of a note of \$7,500 issued to meet requisitions of the Board of Health for money to defray the cost of smallpox cases and also an appropriation of \$1,000 for the annual expenses of the Board.

Dr. Harrison remarked that in reality then the incidental appropriation was only \$6,500.

Clerk Johnson stated that the \$6,500 from license fees would go into the incidental account.

Mr. Walker inquired with much emphasis if some system of book-keeping could not be devised that will show what part of the incidental account goes to the Board of Health, and how it is expended by the Board.

Mr. Moore criticised the method of appropriating money to the Health Board, and he thought that requisitions from the Health Board on the Town Council for money should show for what purposes the money is wanted. In justice to themselves, Mr. Moore said, the members of the Board of Health should make detailed reports. The incidental account was finally adopted as recommended by the Finance Committee. When \$2,000 was named for the police account, Mr. Moore asked how it was that the city of East Orange, with twice as many inhabitants as Bloomfield, only appropriated \$3,000 for poor maintenance.

Mr. Conlan stated by way of explanation that while East Orange had a much larger population than this town, the proportion of poor people was much larger here.

When the Finance Committee's recommendation of \$5,000 for road repairs was read off Mr. Farrand arose and moved to make the appropriation \$6,000.

Dr. Harrison asked Mr. Farrand to give his reasons for reducing the appropriation. Mr. Farrand said that inasmuch as he had worked hard and faithfully on the roads for the past two years the roads were in such shape that it would not require any more than \$5,000 to maintain them in good shape this year.

Mr. Conlan in reply to Mr. Farrand's statement said the Finance Committee, with the Superintendent of Public Works and the Road Committee, had gone carefully over the needed repairs to roads, gutters and culverts, and had made out a schedule of the work that ought to be done, and the various amounts of money required to do it, as follows: Linden Avenue, \$1,200; Belleville Avenue, \$500; Washington Street, from Centre to Franklin Street, \$300; Oakland Avenue, \$900; Watsessing Centre, covered culvert, \$125; Ella Street and Watsessing Avenue, Aron pipe in gutter, \$50; Broad and Maple Streets, culvert, \$25; Smith and Bayless Streets, gutter, \$25; Belleville Avenue, gutter and catch basin, \$50; clay for road repairs, \$200; miscellaneous, \$400; street sprinkling, \$75; repair of sewer trench breaks, \$300; cleaning street culverts and drains, \$600; Superintendent's salary, \$720. The above outlined work, Mr. Conlan said, amounted to \$5,270, and in addition to that obligations incurred by the Road Committee of the previous year amount to \$800, had to be paid out of the appropriation of the current year.

Dr. Harrison did not consider the repaving of Oakland Avenue an imperative

piece of work. It was not a leading thoroughfare, and was not subject to heavy traffic.

Councilman Moore favored the reduced appropriation, and thought the Road Committee could find a way to cut off about \$1,000.

Mr. Conlan said it would be false economy to neglect the maintenance of the roads in order to save \$1,000. He cited Linden Avenue as a case in point which had been allowed to go over for a year, and when \$900 would have put it in good shape last year it now required \$1,200, and it would be the same with some other streets that now need repairs. A certain sum will do the work now, but if neglected for a year it will cost twice as much to do the work at some future time. The Road Committee, Mr. Conlan said, did not propose to exceed the appropriation by one dollar, and no work will be undertaken that cannot be legally done. As soon as the appropriation is expended road work will stop.

Mr. Changst favored the \$5,000 appropriation. Mr. Farrand's amendment carried and the road repair appropriation was made \$5,000.

The appropriation of \$5,800 for police purposes, Mr. Farrand said, would necessitate the cutting off of all the special policemen, as the salaries and other fixed expenditures of the regular department amounted to \$5,400.

The Finance Committee named \$3,300 for fire purposes, but the Council increased the amount to \$3,500 for the purpose of allowing \$200 to be expended for insulated wire for the fire alarm system. Superintendent of Fire Alarm Augustus Olsen was called upon by Mr. Farrand of the Fire Committee to make a statement to the Council about the condition of the fire alarm system. Mr. Olsen said the system was in bad order owing to the lack of insulated wires and fuses were frequently blown by the leakage of wires coming in contact with the ground. In Mr. Olsen's estimation it would cost \$1,500 to replace the present wire line with insulated wire. Other recommendations of the Finance Committee were adopted without discussion.

BOARD OF HEALTH

Held a Regular Monthly Meeting Thursday Night.

Chemist Baldwin Reports an Excellent Water Supply—The Brookside Sewerage Problem Inspector Gilbert Asks for a Joint Conference of Town Council and Board of Health.

The June meeting of the Board of Health, held on Thursday night, was an important one, and some matters that will soon demand action on the part of the town officials were discussed.

Health Inspector Gilbert was present at the meeting, and among the important suggestions that he submitted to the Board was one for a general conference of the members of the Town Council and of the Board of Health, the Town Attorney and other town officials. This suggestion on the part of Inspector Gilbert was wise and a step in the right direction. It is very necessary that there should be a harmonious understanding between the Health Board and Council, and there should be mutual cooperation in the work that has to be done. The recent tendency has been rather towards antagonism than harmony between the two governing bodies, and as a consequence there has been much misrepresentation and misunderstanding. The conference, which will be called for July 2, ought to prove of beneficial effect, as it is proposed that there shall be a free and general discussion of the Board of Health's work, particularly in relation to the smallpox epidemic.

The Brookside Place matter was again discussed by the Board. The question involved there has assumed a serious aspect. Scarlet fever, diphtheria and measles now prevail in that street, and many houses are placarded with the Board of Health notices. There is no drainage to the street, and the cesspools are full. In the cases of heavy rains, this creates a dangerous state of affairs. Inspector Gilbert stated to the Board that a sewer in the street was the only practical solution of the trouble. The matter was referred to the Inspector to confer with the Town Engineer, in order to ascertain what can be done towards getting an outlet for a sewer there. The problem is a large one, and involves all that part of the town south of Watsessing Avenue to the Newark city line. When the town sewer system was laid out some years ago, the engineers who planned it recommended that the section beyond Watsessing Avenue be sewered by way of Newark.

The matter of the best method of quarantining houses in which cases of smallpox were found was a subject of discussion. Inspector Gilbert was of the opinion that the method in vogue here was the best and surest method of quarantine, but it was not the cheapest. The plan followed here is to keep quarantine officers on guard for twenty-one days at all houses where smallpox has been found. The Inspector suggested that the following plan be tried: Whenever a case of smallpox is found immediately placard the house and place quarantine officers on duty; remove the infected patient at once, and vaccinate all other occupants of the house; then disinfect the building and discharge the quarantine officers, but leave the placard on the building for the twenty-one days. In cases where occupants of an infected house refuse to be vaccinated, quarantine officers must be kept on duty and strict quarantine maintained. The Board will adopt the plan outlined by the Inspector.

The Board's chemist, D. H. Baldwin, submitted the following report as to the quality of the public water supply:

"Board of Health: GENTLEMEN—Inclosed herewith please find the results of my analysis of the town water. The data obtained in this analysis shows that the water is very different from what it has been in previous analyses. Never in the history of the water has any data been obtained like the present one. The color of the water has always been yellowish, more or less. This sample was colorless.

"The total solids are about double the usual amount. Chlorine in chlorides is fifty per cent. higher. The nitrogen is also very high for Pequannock water. The free ammonia and albuminoid ammonia are very low indeed; in fact much lower than at any time on record. The water is more like 'ground water' than surface water, and furthermore it may be said, that the water is most excellent in quality. The tests for color have been made daily, since the above sample was taken, with the result recorded in the analysis, in each and every instance."

to children of Canton who could not be kept from letting fall their

Our country is united to-day in ad-

Kinley's portrait London bus dri

their windows and clear crepe on their

about two months.

Clinton Street, Bloomfield.—Adm.

Banner," and "Rally 'Round the Flag."

